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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**MICHAEL MOEBIUS,**

**Plaintiff,**

**v.**

**TONY CARNEVALE; DESERT ART,  
LLC d/b/a CARNEVALE GALLERY;  
CAESARS ENTERTAINMENT, INC.; and  
DOES 1 through 10 inclusive,**

**Defendants.**

Case No. 2:21-cv-00970-RFB-VCF

**JOINT DISCOVERY PLAN  
PURSUANT TO RULE 26(f)**

**SPECIAL SCHEDULING  
REVIEW REQUESTED**

1 Counsel for the Parties Michael Moebius (“Moebius”), Tony Carnevale and  
 2 Desert Art, LLC (collectively “Carnevale”), and Caesars Entertainment, Inc  
 3 (“Caesars”) have met and conferred as required by Federal Rule of Civil Procedure  
 4 26(f) and Local Rule 26-1. The parties hereby submit the following Joint  
 5 Discovery Plan:

6 **A. Statement Pursuant to LR 26-1(a) in Support of Special Scheduling**

7 The parties have agreed to extend the standard, presumptive discovery period  
 8 of 180 days to 270 days commencing from the first defendant’s appearance in this  
 9 matter on October 6, 2021. Both Carnevale and Caesars have filed motions to  
 10 dismiss that are now fully briefed and remain pending. ECF 10, ECF 12. The  
 11 parties anticipate that the resolution of these motions to dismiss will have an impact  
 12 on the timing of completing discovery and the scope of discovery that may proceed.  
 13 Accordingly, the parties believe that additional time above the standard 180-day  
 14 discovery period is warranted in this case.

15 **B. Joint Discovery Plan**

16 **a. Discovery Cut-Off Date:**

17 The parties shall complete discovery by **Tuesday, July 5, 2022**. As set forth  
 18 in Section A, the proposed discovery cut-off date is approximately 270 days from  
 19 the date of the first defendant’s appearance in this matter.

20 **b. Amending the Pleadings and Adding Parties:**

21 Motions to amend the pleadings and/or add parties shall be filed no later than  
 22 ninety (90) days prior to the discovery cut-off date, specifically **Wednesday, April**  
 23 **6, 2022**.

24 **c. Fed. R. Civ. P. 26(a)(1) Initial Disclosures:**

25 The parties will exchange Initial Disclosures no later than **Tuesday,**  
 26 **December 21, 2021**.

**d. Fed. R. Civ. P. 26(a)(2) Disclosure (Experts):**

The disclosure of any expert witnesses and reports required by Rule 26(a)(2) shall be made sixty (60) days before the discovery cut-off date, specifically **Friday, May 6, 2022**. The disclosures of any rebuttal experts shall be thirty (30) days after the initial disclosure of experts, specifically, **Monday, June 6, 2022**.

**e. LR 26-3 Interim Status Report:**

Not later than sixty (60) days before the discovery cut-off, the parties shall submit an interim status report in compliance with LR 36-3, specifically such status report shall be filed on or before **Friday, May 6, 2022**.

**f. Dispositive Motions**

Dispositive motions shall be filed no later than thirty (30) days after the discovery cut-off date, specifically, **Thursday, August 4, 2022**.

**g. Joint Pretrial Order**

The Joint Pretrial Order shall be filed not later than thirty (30) days after the date set for filing dispositive motions, specifically **Tuesday, September 6, 2022**. Pursuant to LR 26-1(b)(5), in the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the entry of a decision on the dispositive motions or upon further order of the Court.

**h. Fed. R. Civ. P. 26(a)(3) Disclosures**

The parties shall make all disclosures required by Rule 26(a)(3) at least thirty (30) days before trial. Objections to such disclosures shall be made within twenty (20) days thereafter.

**C. Alternative Dispute Resolution**

The parties certify that they have met and conferred about the possibility of using alternative dispute resolution processes including mediation, arbitration, and if applicable, early neutral evaluation. Plaintiff Moebius believes referral to a formal ADR process would be beneficial to this case. Defendant Caesars believes that any formal ADR process would be premature.

**D. Alternative Forms of Case Disposition**

The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program. The parties do not consent to magistrate judge jurisdiction.

**E. Electronic Evidence**

Disclosure or discovery of electronically stored information should be handled as follows:

All electronic files are to be produced in their native format as kept in the ordinary course of business. Metadata shall not be removed from any file prior to production.

Prior to production of any electronically stored information, if such information or materials cannot reasonably be produced in its native format, the parties will meet and confer regarding to form of production, and in the event of a dispute F.R.C.P. § 26(b)(2) shall control.

**F. Other Orders**

The parties discussed that entry of a stipulated protective order and confidentiality agreement pursuant to Federal Rule of Civil Procedure 26(c) may be appropriate in this case. If the parties agree that such a protective order is appropriate, they will promptly present that stipulated protective order to the Court for review and approval.

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1 Nothing herein shall prevent any party from seeking entry of a  
2 protective order to Federal Rule of Civil Procedure 26(c) on any grounds,  
3 nor shall the contemplation of seeking a stipulated protective order constitute a  
4 waiver of any right to seek such an order under Federal Rule of Civil  
5 Procedure 26(c) for any purposes.

6 DATED this 7<sup>th</sup> day of December, 2021. DATED this 7<sup>th</sup> day of December, 2021.

7 HIGBEE & ASSOCIATES

RAICH LAW PLLC

8 /s/Mathew K. Higbee

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*Carnevale and Desert Art, LLC*

16 DATED this 7<sup>th</sup> day of December, 2021.

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18 /s/Christopher R. Miltenberger

19 Christopher R. Miltenberger, Esq.

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24 *Attorneys for Defendant*

25 *Caesars Entertainment Inc.*

26 **IT IS SO ORDERED.**

27 UNITED STATES MAGISTRATE JUDGE

28 DATED: 12-10-2021